

REMARKS

Summary of the Office Action

In the Office Action, claims 1-3 and 5-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,828,935 to *Tatsumi, et al.*, hereinafter ("*Tatsumi*").

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tatsumi* in view of U.S. Patent No. 5,903,806 to *Matsuoka, et al.*, hereinafter ("*Matsuoka*").

Claims 9, 10, 12-14, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tatsumi* in view of U.S. Patent No. 5,895,149 to *Weed*.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tatsumi* in view of U.S. Patent No. 5,260,750 to *Ishida, et al.*, hereinafter ("*Ishida*").

Claims 19-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tatsumi* in view of *Weed*, and further in view of U.S. Patent Publication No. 2002/0102113 to *Kusano, et al.*, hereinafter ("*Kusano*").

Claim 5 is objected to because of an informality.

Claims 4, 11, 17, and 18 are indicated as objected to for being dependent upon the rejected base claim, but would be allowable if the written in independent form including all the features of the base claim and any intervening claims.

Summary of the Response to the Office Action

Applicants thank the Examiner for allowance of claims 16 and 21-24. Applicants amend claims 1, 3, 5, 15, 19, and 20 and cancel claim 2 without prejudice or disclaimer. The Amendment to claim 20 is made to correct a minor informality. Accordingly, claims 1 and 3-24 are pending for further consideration.

Claim Informalities

Applicants respectfully amend claim 5 in accordance with the Examiner's suggestion.

Therefore, Applicants respectfully request the withdrawal of the objection to claim 5.

All Subject Matter Complies with 35 U.S.C. § 102(b)

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by *Tatsumi*. Applicants respectfully traverse the rejection for the following reasons.

Applicants respectfully submit that the Office Action has not established that *Tatsumi* anticipates each and every feature of Applicants' claimed invention and that all rejections under 35 U.S.C. § 102(b) should be withdrawn. Namely, Applicants contend that newly amended independent claims 1 and 15 recite the feature of "the developer discharge port is provided at the outer end of the cylindrical wall or the outer peripheral surface of the end wall," of the closing lid. At least these features are not disclosed or taught by *Tatsumi*.

Tatsumi discloses an image forming apparatus that includes a toner supply unit. The supply unit supplies toner to a developing section of the image forming apparatus and has a toner bottle attached thereto. See col. 1, lines 7-12 of *Tatsumi*.

The Office Action alleges that *Tatsumi* discloses all the features of claims 1-3 and 5-7. However, Applicants respectfully submit that the features of dependent claim 2, presently added into newly amended independent claim 1, are not disclosed by *Tatsumi*. Specifically, the Office Action states that Fig. 15 of *Tatsumi* shows the "developer discharge port provided at the outer end of the cylindrical wall or the outer peripheral surface of the end wall." While the Office Action alleges that a developer discharge port is located at this position, it fails to identify what structure in Fig. 15 represents this feature. See page 3 of the Office Action. Thus, contrary to

the above-mentioned assertions, *Tatsumi* cannot disclose the present invention. Because *Tatsumi* does not disclose at least these features, it cannot anticipate the invention recited in newly amended independent claim 1.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicants respectfully assert that the rejection under 35 U.S.C. § 102(b) should be withdrawn because *Tatsumi* does not teach or suggest each feature of claim 1.

Additionally, Applicants respectfully submit that dependent claims 3 and 5-7 are also allowable insofar as they recite the patentable combinations of features recited in claim 1, as well as reciting additional features that further distinguish over the applied prior art.

All Subject Matter Complies with 35 U.S.C. § 103(a)

Claim 8 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Tatsumi* in view of *Matsuoka*; and claims 9, 10, 12-14, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tatsumi* in view of *Weed*. Applicants respectfully traverse the rejection for the following reasons.

Masuoka shows a developing agent cartridge which rotates to replenish a developing agent in a powder storing container. See col. 1, lines 1-11 of *Matsuoka*.

Weed shows “an apparatus for dispensing particulate matter such as a powder or granulated material, into an electrophotographic type reproduction machine, or the like, and more particularly relates to a toner supply insert for insertion into an empty toner supply cartridge.” See col. 1, lines 9-14 of *Weed*.

Claims 8-10 and 12-14 all depend from newly amended independent claim 1 and are allowable because neither *Masuoka* nor *Weed* make up for the above-mentioned deficiencies of *Tatsumi*. The Office Action has not established a *prima facie* case of obviousness at least because *Tatsumi*, *Masuoka*, or *Weed*, whether alone or in combination, fail to teach or suggest all the recited features of claims 8-10 and 12-14. Namely, none of the references teaches or suggests at least a “developer discharge port . . . provided at the outer end of the cylindrical wall or the outer peripheral surface of the end wall,” feature recited in independent claim 1.

As pointed out in M.P.E.P. § 2143.03, “[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art”. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). As such, Applicants respectfully assert that *prima facie* obviousness has not been met. Therefore, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) should be withdrawn because *Tatsumi*, *Masuoka*, and *Weed* do not teach or suggest each and every feature of independent claim 1 or dependent claims 8-10 and 12-14.

Further, Applicants respectfully submit that the rejection of dependent claim 18 is in error because it does not depend from independent claim 1, and is indicated elsewhere in the Office Action as being objected to, but would be allowable if the written in independent form.

Claims 19-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tatsumi* in view of *Weed*, and further in view of U.S. Patent Publication No. 2002/0102113 to *Kusano, et al.*, hereinafter (“*Kusano*”). Applicants respectfully traverse the rejection for the following reasons.

Kusano shows a toner bottle that discharges toner stored therein when mounted to an electrophotographic image forming apparatus in a substantially horizontal position and then rotated about its axis. See Abstract of *Kusano*.

The Office Action states that *Weed* is relied upon only for a resilient thin-wall container and that *Kusano* is relied upon only for the toner bottle and mouth are produced separate from each other and thus can be washed separately. Applicants respectfully submit that *Kusano* does not make up for the deficiencies of *Weed* and *Tatsumi* mentioned above.

The Office Action has not established a *prima facie* case of obviousness at least because *Tatsumi*, *Weed*, or *Kusano*, whether alone or in combination, do not teach or suggest all the recited features of independent claims 19 and 20. Namely, *Tatsumi*, *Weed*, or *Kusano* do not teach or suggest at least the features of “a developer discharge port formed in the cylindrical wall or the end wall,” of a closing lid as recited in independent claims 19 and 20.

As pointed out in M.P.E.P. § 2143.03, “[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art”. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). As such, Applicants respectfully assert that *prima facie* obviousness has not been met. Therefore, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) should be withdrawn because *Tatsumi*, *Weed*, or *Kusano* do not teach or suggest each and every feature of independent claims 19 and 20.

Objected to Claims

Applicants respectfully submit that objected to claims 4, 11, 17, and 18 are allowable. Specifically, objected to claims 4 and 11 are allowable at least because newly amended independent claim 1 is allowable as demonstrated above. Additionally, objected to claims 17 and 18 are allowable at least because they depend from allowed independent claim 16.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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